



# Mercy in Short Supply: The Plight of North Korean Refugees in China

Desperate North Koreans struggling to escape police into foreign embassies in China brought their plight into our living rooms. Senator Sam Brownback (R-Kansas), chair of the Senate East Asian and Pacific Affairs subcommittee, calls for a bold response.

by Senator Sam Brownback

**W**ithout question, North Koreans seeking refuge in China are among the most vulnerable people on earth. Their reasons for fleeing their homeland—including unspeakable repression and mass starvation fostered by the economic policies of a cruel totalitarian government—are obvious to even the most casual observer of the regime of Kim Jong Il. Sadly, many of these unfortunate souls hoping for a better life are met with something worse than indifference. China denies refugee status to North Koreans, preferring to call the escapees economic migrants instead. China believes this word game permits them to forcibly repatriate North Korean refugees in accordance with a secret agreement between Beijing and Pyongyang. If this were not tragedy enough, North Korean security services almost inevitably place the forced returnees—at least those who escape summary execution—in concentration camps. In these camps, prisoners are forced to perform harsh physical labor, live in subhuman conditions and are denied proper nutrition. As difficult as daily life might be for an average citizen of North Korea, a failed escape attempt would bring them certain torture and imprisonment—and possibly death.

Since becoming aware of this enormous human tragedy, I have tried to underscore the desperate situation of North Korean refugees through hearings, legislation, and public events. In December 2002, I visited China, where I raised the subject with Chinese government officials and personally toured the China–North Korea border. Seeing first hand the conditions at the border only reinforced my belief that the international community must respond to this ongoing humanitarian disaster. Even as the world responds to North Korea's troubling nuclear weapons program and debates the vital security issues of the Korean

peninsula, the North Korean refugees require increased attention and prompt action by the international community. Though the task of securing freedom for North Korean refugees will be difficult, their plight compels our focus and response.

## Life inside North Korea

The Kim dynasty, which began with Kim Il Sung in 1949 and continues with his son, Kim Jong Il, will go down as one of history's cruelest tyrannies. Kim Jong Il, referred to as Dear Leader, lives in opulence as his people starve. While his countrymen face tremendous poverty, his government relentlessly pursues weapons of mass destruction. The Dear Leader consistently surprises the world with his cryptic political utterances, but Kim Jong Il's wanton disregard for the lives and well-being of his people defies even the most cynical expectations.

The closed nature of North Korean society makes precise analysis difficult, but the tragic dimensions of the North Korean famine of the mid-1990s are unmistakable. Mortality estimates range from 1 million to 2 million. And while North Korea has begun climbing from the absolute depths of the famine, it remains on the brink of further disaster. By some estimates, 57 percent of the population is malnourished, including 45 percent of North Korea's children. Even the military must deal with the effects of long-term starvation. While the age of conscription has not dropped, the military lowered its height requirements for adult male conscripts from 4 feet, 11 inches to 4 feet, 2 inches, reflecting widespread stunted growth throughout the population.

Though North Korean officials blame catastrophic floods and natural disasters, both its famine of the mid-1990s and its ongoing economic problems stem directly from policies designed to perpetuate the ruling regime rather than provide opportunity for the people. The dissolution of the Soviet Union left North Korea without its biggest source of revenue. Pyongyang, however, refused to adopt the reforms so much of the rest of the world embraced. Kim Jong Il knows that unleashing meaningful economic reforms would expose the brutality of his regime and threaten its survival. President Reagan was right when he observed that a hungry child knows no politics; however, Kim Jong Il's politics literally kill children. Unfortunately, Kim's grip on power remains so tight that, in the grandest of all absurdities, North Koreans are compelled to treat Kim Jong Il like a deity.

Indeed, to do anything less, to give even a hint of disloyalty, can mean a life of torture and persecution. Fear of arbitrary imprisonment dominates the daily lives of North Korean citizens. The case of Soon Ok Lee, who wrote a book about her experiences in a North Korean prison, provides an instructive example. Ms. Lee grew up as a communist and held an important job distributing supplies to party officials. When one day she refused

to divert extra supplies to her boss, she was accused of disloyalty and sent to a prison camp. She endured daily torture and other abuse for 14 months and remained in the notorious North Korean prison system for 7 years. With repeated withholding of food and sleep, water torture, exposure to extreme temperatures, disease, starvation, and brutal forced labor, Ms. Lee was lucky to escape with her life. 20 to 25 percent of her fellow North Korean prisoners die each year.

Ominously, while the state tells its people that the prisons exist to reform the flawed ideologies of wayward citizens, the rapid replacement of deceased inmates suggests a more sinister motive: economic productivity through slave labor. Prisoners produce goods exported—through intermediaries—to Europe and elsewhere, providing a vital source of hard currency for a regime that engages in relatively little international trade.

### The North Korean Refugee Population

Again, a lack of hard information forces us to rely upon anecdotal evidence, but the consistent nature of reports from a variety of sources allows us to draw tentative



North Korean asylum seekers celebrate on the steps of the Spanish embassy in Beijing in March 2002 after rushing past Chinese police.

*Photo: AP/G. Baker*

conclusions about who is leaving North Korea and who is hiding in China.

First, we know that those who choose to depart North Korea do so at great risk, both to themselves and to the family and friends they leave behind. North Korea's collective punishment system dictates that family members receive punishment for the sins of their relatives. Every refugee must grapple with the pain their families may endure after their departure. The defection of one family member may seal the fate of all of their remaining relatives in North Korea.

Second, we know that North Koreans from all regions of the country make escape attempts. In the earliest days of the famine, the flow of people primarily consisted of those living near the Chinese border. These people mastered the art of crossing the border to obtain assistance, possibly from relatives living in China, and then returned to their homes. As the famine worsened, more and more North Koreans began wandering the countryside as the promise of food from the government's public food distribution system disappeared. People from all parts of North Korea are aware of their fellow citizens' efforts to escape into China.

Third, we know that a substantial number of refugees cross over with the help of human traffickers. Young women are often sold as brides for ethnic Chinese men further inside China. Other young women are trafficked as sexual slaves. Traffickers also bring seasonal or short-term laborers, who frequently work without pay and are either abandoned or turned over to Chinese authorities after completing their labor.

Identifying and learning more about North Korean refugees in China is a difficult task. Estimates of their number range from as few as 10,000 to as many as 300,000 people in hiding in northeastern China. These numbers add to the large ethnic Korean population that has resided in China for many years. Some in this existing Korean population provide shelter for the refugees or help them find work. Despite their efforts, however, North Korean refugees are usually easy to spot for a variety of reasons. Due to severe malnutrition, they are generally shorter in stature; they are unable to speak Chinese; and, lacking any intention of returning to North Korea, they move away from the border and further into China.

## Forced Repatriation

China is a party to the UN Refugee Convention, as well as its 1967 Protocol. These documents established international standards for refugee protection, including the ban on forcible return of persons facing persecution, also known as *refoulement*. During the height of the North Korean famine, China looked the other way as North Koreans crossed its border. After the UN High Commissioner for Refugees (UNHCR) declared a North Korean to be a refugee in 1999, however, China began forcibly repatriating North Koreans discovered on the Chinese side of the line. Some reports indicate China's repatriation campaign dramatically increased in December 2002, with more than 3,000 defectors sent home in less than two months.

Beijing maintains that these North Korean escapees are economic migrants not eligible for protection under these UN agreements. Moreover, beyond its UN commitments, China has an agreement with North Korea providing for the immediate return of border crossers. To be sure, many North Koreans cross the border in search of food or work, but there is no doubt that many others enter China fleeing persecution. Since China has not permitted UNHCR to return to the border region since 1999, there is no way to generate an official estimate of how many North Koreans deserve formal refugee protection.

Despite China's assertion that these North Koreans are not refugees, North Korea's repressive policies qualify any border crosser as a refugee. For example, as witnesses testified at our Senate hearing on North Korean refugees in June 2002, Pyongyang's denial of food to those it deems insufficiently loyal to the regime constitutes persecution, as does its misappropriation of international food aid. Religious persecution—particularly of Christians—is also rampant in North Korea. In addition, North Korea looks upon attempted defection as a potentially capital offense, particularly if the defector came in contact with South Koreans or Christians while beyond North Korean borders. Indeed, Article 47 of North Korea's criminal law indicates that any citizen who defects and commits an "extremely grave offense" shall

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be given the death penalty and have their property confiscated by the state. The U.S. Congress heard convincing testimony that North Korean officials forced abortions upon returned refugee women found to be pregnant and even committed infanticide in some instances.

Those escaping an immediate death sentence face years of imprisonment in the North Korean prison system, much like Soon Ok Lee. As explained in a December 2002 *Far Eastern Economic Review* article, Camp #22 in the Hamgyong Province is one of the worst facilities of its kind. One defector estimates that Camp #22 holds 50,000 of the roughly 200,000 people languishing in North Korean prison camps. Satellite photos accompanying the article provide the first visual evidence of a humanitarian disaster that evokes images of the gulags in Stalinist Russia.

Further, there is little question that the Chinese authorities know exactly to what they return North Koreans. During my trip to the border region, none of the local mayors and officials in northeast China—those with the most direct knowledge of the plight of the North Korean refugees—would deny the possibility of mass starvation, persecution, and torture in North Korea. But not one of them would confirm the testimony of those fleeing these atrocities.

## Responding to the Challenge

The highly-publicized asylum bids during the first half of 2002—with desperate refugees struggling to get past guards and into foreign embassies in China—brought the issue of North Korean refugees to the attention of the world. Much has happened since that time. In addition to the efforts of scores of advocates in northeast China, South Korea, and the United States, there also has been a great deal of activity on Capitol Hill. We held hearings and press conferences, raised the issue in meetings with representatives of all of the governments involved in the situation, consulted with the State Department about U.S. policy, and introduced legislation that would make it possible for North Korean refugees to come to the United States. My trip to the border region last December confirmed my grim fears about the situation and reinforced my belief that the international community must not neglect this enormous human tragedy.

I am aware of the ongoing debate over whether quiet diplomacy or public and sustained advocacy will do the most good for North Korean refugees. Those who prefer quiet diplomacy recall earlier days when China officially neglected the issue, allowing private organizations and individuals to lend assistance. Others believe that the continuing deterioration of conditions for refugees in China warrants a new, more public, approach. Despite the lack of unanimity, there does seem to be a shift toward publicly encouraging China to abide by its in-

ternational obligations, and I agree that the moment for taking public action is at hand.

Any assistance for North Korean refugees depends on the actions of the Chinese government, making a change in China's practices essential. The Chinese government must permit UNHCR to make a formal assessment of the refugee situation in the border region. In addition, the international community must establish a regular process for dealing with this persistent problem. The international community should demand that China guarantee the safety of North Korean refugees and develop suitable policies that guarantee that North Koreans can escape persecution. Private organizations continue to play an important advocacy role in this area; we in government must build upon their efforts.

Governments can take other actions as well. A regularized refugee process might require other countries in the region to act as way stations, sheltering refugees passing from North Korea and China to South Korea or other countries. South Korea remains the first and best destination for most North Korean refugees, and Seoul should do all it can on their behalf. As in other refugee situations, however, the nations of the world—including the United States—should be prepared to share the burden of refugee resettlement.

Finally, since the issue of North Korean refugees has gained attention around the world, it is important to seize the moment. I realize that much of the discussion about North Korea centers on security concerns and weapons of mass destruction, and no one should doubt the importance of developing effective responses to Pyongyang's threats. We must, nevertheless, remember that the refugees represent the human dimension of this global challenge. Their plight presents a problem that will not go away and a dilemma that all countries in the region—especially the Chinese—must face. Though North Korea prefers that we focus exclusively on the nuclear issue, we should not be so easily led. Nuclear threats and refugee outflows are traceable to the same brutal regime. The international community must continue to hear of the North Korean refugees and rise up to meet the challenge of finally recognizing and providing assistance to them. Only through sustained and public advocacy to reverse their plight will the North Korean refugee problem be solved.

More importantly, we cannot in good conscience continue to ask the hundreds of thousands of North Korean refugees living and hiding in fear in China and the millions of family members back in North Korea to hang on tenuously to some hope of better days to come. Keep in mind that they have been waiting for the past 50 years. The facts clearly show that it cannot get any worse, which is why the answers to the following questions must seem so obvious and so urgent to any one of us who care about these people: "If not now, then when? And if not us, then who?"